

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD**

**CENTER FOR INDIVIDUAL
FREEDOM, INC.,**

Plaintiffs,

v.

**WEST VIRGINIANS FOR LIFE, INC.
and ZANE LAWHORN,**

Consolidated Plaintiffs,

v.

**Civil Action No. 1:08-cv-00190 (Lead)
Civil Action No. 1:08-cv-01133
Honorable Thomas E. Johnston**

**NATALIE E. TENNANT,
West Virginia Secretary of State,
TIMOTHY D. BOGGESE,
Mercer County Prosecuting Attorney,
and GARY A. COLLIAS,
WILLIAM N. RENZELLI,
ROBERT RUPP, and
CINDY SMITH, in their official
capacities as members of the West
Virginia State Election Commission,**

Defendants.

DEFENDANT TIMOTHY D. BOGGESE'S MOTION TO ADOPT

COMES NOW, Defendant, Timothy D. Boggess ("Mr. Boggess"), by counsel, Preservati Law Offices, PLLC, and for his Motion to Adopt, states as follows:

1. Defendants Natalie Tennant and the West Virginia State Election Commission members have filed a Memorandum in Response to Plaintiffs' Second (or Renewed) Motions for Summary Judgment [Doc. 216].

2. In order to preserve judicial resources and avoid duplication, Mr. Boggess hereby moves this Court to allow it to adopt said Defendants' Memorandum in Response.

WHEREFORE, Mr. Boggess respectfully requests this Honorable Court to grant the relief sought herein and such other relief the Court deems appropriate.

Respectfully submitted,

TIMOTHY D. BOGGESS,
By Counsel,

s/ Joseph L. Jenkins

Nicholas S. Preservati (W.Va. Bar #8050)

Joseph L. Jenkins (W.Va. Bar #9680)

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CERTIFICATE OF SERVICE

I, Joseph L. Jenkins, do hereby certify that on October 22, 2010, I have served a true and exact copy of the foregoing **Defendant Timothy D. Boggess's Motion to Adopt**, upon all counsel of record by filing with the Court using CM/ECF which will send notification of such filing to the following CM/ECF participants:

William C. Porth, Esq.
Email: wcp@ramlaw.com

Patrick K. Maroney, Esq.
Email: pmaroney@mwwplaw.com

Thomas W. Kirby, Esq.
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Shirley J. Stanton, Esq.
Email: gstanton@ma.rr.com

And on the same date, by U.S. mail, postage prepaid, to the following non-

CM/ECF participants:

Robbin Stewart
P. O. Box 29164
Cumberland, IN 46229-0164

s/ Joseph L. Jenkins
Nicholas S. Preservati (W.Va. Bar #8050)
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